

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STONEY L. SCHAEFFER)	Civil Action No. 06 - 189
)	
Plaintiff,)	Judge Arthur J. Schwab /
)	Magistrate Judge Lisa Pupo Lenihan
v.)	
)	
HARRY E. WILSON, <i>Facility</i>)	
<i>Superintendent</i> ; TIMOTHY CROSS,)	
<i>State Police Supervisor</i> ; and NANCY D.)	
VERNON, <i>District Attorney</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on February 14, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation, filed on January 30, 2007 (doc. no. 11), recommended that Plaintiff's Complaint be dismissed in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(ii) and/or 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted under 42 U.S.C. § 1983. Service was made on Plaintiff at S.C.I. Greene. Instead of filing objections to the Report and Recommendation, Plaintiff filed a Notice of Appeal to the Court of Appeals for the Third Circuit, which that court docketed as USCA Case Number 07-1458 (doc. no. 13).

After review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 20th day of February, 2007;

IT IS HEREBY ORDERED that Plaintiff's Complaint is **DISMISSED** in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(ii) and/or 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted under 42 U.S.C. § 1983.

The Report and Recommendation of Magistrate Judge Lenihan, dated January 30, 2004, is adopted as the Opinion of the court.

The Appeal docketed at Schaeffer v. Wilson, USCA Case Number 07-1458, should be construed as an appeal from this Order.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: Lisa Pupo Lenihan
U.S. Magistrate Judge

Stoney L. Schaeffer, DW-8560
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